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UNIVERSITY CONDUCT HEARING OF DAVID BROWN
WASHINGTON STATE UNIVERSITY

Hearing Held on
April 8, 2010

APPEARANCES

David Brown, MBA Student

Conduct Board

[redacted], Undergraduate Student

[redacted], Graduate Student

Lisa McIntyre, Associate Professor

Wayne Popeski, Instructor

Chris Wuthrich, Dean of Students

Witnesses

[redacted]

David Sprott, Associate Dean,

Graduate Programs

[redacted]

UNIVERSITY CONDUCT HEARING OF DAVID BROWN

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BE IT REMEMBERED that the aforementioned proceedings transpired out of my presence and were recorded to audio CD wherein they were thereafter transcribed by me, Valerie J. Morrison, on August 1, 2010.

UNIVERSITY CONDUCT HEARING OF

DAVID BROWN

APRIL 8, 2010

MR. BROWN: May I --

MS. MCINTYRE: Pardon me?

MR. BROWN: May I put my laptop open to the law?

MS. MCINTYRE: Are you going to use your laptop in the hearing?

MR. BROWN: Yes.

MS. MCINTYRE: I don't see why not. Go ahead.

Okay. Let me say for the record that today is the 8th of April 2010. The Conduct Board is convened tonight to hear allegations that Mr. David Brown has violated provisions of the University's Code of Conduct for Students. First, I would like to have the board members introduce themselves to Mr. Brown.

[redacted]: Hi, I'm [redacted] (phonetic). I'm a graduate student in the Department of Criminal Justice.

MR. POPESKI: Wayne Popeski, instructor at Murrow College.

[redacted]: [redacted], undergraduate student.

MS. MCINTYRE: And as I told you before, I'm Lisa McIntyre, and I believe you know Dean Wuthrich. Okay.

Here's how this goes. First, Dr. Wuthrich is going to read each of the charges that the university has brought against you. And after he reads each one I'm going to ask you if you plead responsible or not responsible. Then, will you be giving an overview of the case?

MR. WUTHRICH: A very brief one.

MS. MCINTYRE: Okay. A very brief overview. Then we'll have the university's witnesses. Did you bring any witnesses?

MR. BROWN: No, I did not.

MS. MCINTYRE: You did not. Okay. Members of the Board will ask questions of the witnesses. If you have any questions that you would like to put to the witness, I'm going to ask you to write them down and give them to me, and if I deem them appropriate I will ask them for you. Okay?

MR. BROWN: All right.

MS. MCINTYRE: After we've heard the university's witnesses, then you will have an

opportunity to make a statement, tell us what you think we need to know about what's really going on. Then we generally take a little break and then I'm going to ask Mr. Wuthrich to give a closing statement for the university with a recommendation to the board, and then you will have the opportunity to have the last word.

As I understand it, one of the witnesses, [redacted], is concerned about being in the same room with you, so when she testifies we're going to put you in another office with a speakerphone so you can hear what's going on. And you can still write down your questions and I'll make Dean Wuthrich run down and get them from you. Okay?

MR. BROWN: Okay.

MS. MCINTYRE: Okay. Mr. Wuthrich.

MR. BROWN: May I ask --

MS. MCINTYRE: Oh, yes.

MR. BROWN: -- a quick question? Is this a formal hearing?

MS. MCINTYRE: This is what we -- it's formal. It's relatively formal. It's what we -- what's called a brief adjudicated procedure. So we have rules about, you know, who speaks when and

things like that. Was there something more specific you wanted to ask about?

MR. BROWN: I guess I was wondering when Chris and I met and he had started informing me about how process like this would work he said -- I made mention that I would like the formal hearing --

MS. MCINTYRE: This is as formal as we get at the university.

MR. BROWN: This is -- okay. I just wanted to make sure for the record that this is.

MS. MCINTYRE: Yeah.

MR. WUTHRICH: This is the -- this is the formal process that we have for cases such as these.

MR. BROWN: Okay.

MS. MCINTYRE: Okay?

MR. WUTHRICH: Okay?

MS. MCINTYRE: Yes.

MR. WUTHRICH: All right. There are three charges. The first is WAC 504-26-204, Abuse of self or others.

MS. MCINTYRE: Excuse me. I think that's 203, according to my sheet. Is that wrong?

SPEAKER: They were in (inaudible).

MS. MCINTYRE: Okay. I'm sorry.

MR. WUTHRICH: 204. I'm sorry.

MS. MCINTYRE: All right.

MR. WUTHRICH: Which states physical abuse, threats, intimidation, and/or other conduct which threatens or endangers the health or safety of any person, including oneself.

MS. MCINTYRE: Do you plead responsible or not responsible?

MR. BROWN: Not responsible.

MS. MCINTYRE: Okay.

MR. WUTHRICH: 504-26-203, Disruption. States students have the right to freedom of speech, including the right to dissent or protest, but this expression may not interfere with the rights of others or disrupt university activities. Prohibited behavior includes disruption or obstruction of teaching, research, administration, disciplinary proceedings, other university activities, including its public service functions on or off campus, or of other authorized non-university activities when the conduct occurs on university premises or is directed towards community members by any means, including use of telephone, computer, or some other medium.

MS. MCINTYRE: Do you plead responsible or not responsible?

MR. BROWN: Not responsible.

MS. MCINTYRE: Okay. Thank you.

MR. WUTHRICH: And the final is 504-26-207, Failure to comply with university officials or law enforcement officers; failure to comply with directions of university officials and/or law enforcement officers acting in the performance of their duties; or failure to identify oneself to these persons when requested to do so.

MS. MCINTYRE: Do you plead responsible or not responsible?

MR. BROWN: Not responsible.

MS. MCINTYRE: Okay.

MR. WUTHRICH: Okay. In brief, because you have most of this material in the file and you'll be hearing from three witnesses tonight, I'll cover this case.

Basically, throughout the course of the academic year, the College of Business has had some concerns. They've been working with David Brown and on March 10th of this year they provided him a letter that said that the behavior they had been discussing with him needed to stop and any further problems that would arise would result in a referral to the Office of Student Conduct.

In the midst of processing an alleged

violation with David around the terms of that letter this instance came up where David was alleged to have made some comments in class that were considered to be threatening. And so you'll see the basic framework here in the letter on page one of the student conduct letter, essentially David's disruption -- alleged disruption in the MIS class caused students to be fearful for their safety, which then caused a class later that morning to be canceled, the class that was for accounting. So between the letter from the associate dean of the college that David stop the behavior that was objectionable and these utterances in class which caused the cancellation of another course, the university felt that this was behavior that we couldn't tolerate where people were fearful for their safety. Hence, the charges tonight and the hearing.

MS. MCINTYRE: Okay.

MR. WUTHRICH: So I will call the first witness, which is David Sprott.

MS. MCINTYRE: Okay.

MR. BROWN: Should I -- should I --

MS. MCINTYRE: Oh, you can take notes.

MR. BROWN: -- take notes? I can prepare

questions (inaudible).

MS. MCINTYRE: Yes. Yes.

MR. WUTHRICH: This is Dr. Sprott.

MS. MCINTYRE: Okay.

Professor Sprott, could you tell us what your position is in the business school? Oh, wait. Before I ask you any questions I have to swear you in.

Whereupon,

DAVID SPROTT

was called as witness and, having been first duly sworn, was examined and testified as follows:

BY MS. MCINTYRE:

Q. Could you tell us what your position is in the Business School?

A. Sure. I'm one of the faculty members. I'm also in charge of the graduate program. I'm the associate dean and also international and a few other things.

Q. Okay. And in the course of your work as a faculty member or associate dean have you had interactions with Mr. Brown?

A. Yes.

Q. Could you tell us about those?

A. Certainly. So I'll -- do you want me just

to go in chronological order?

Q. That probably would be the best.

A. Okay. Sure. So David started in the program last summer, it must have been mid- to early August. I can't quite recall when the boot camp started. The students get here three weeks early. And I think one of the first interactions we had was early on that week where I first got to meet David. Since that time, including last fall and the spring there have been a number of incidents and concerns brought forward to me through our director of graduate programs, Cheryl Oliver, who is one of our AP staff members who is my direct report. She's in Seattle tonight for an event. And a variety of different events have been brought forward about David, and David has also brought concerns forward to us as well. So I'll tell you about the concerns that David has expressed to me specifically and then some that have been expressed about David.

Last fall, David came in and said he had concerns about one of our faculty members, Ken Butterfield. And Ken has been there as long as I have, probably about 15 years, a tenured professor down in our Management Department teaching a Leadership course. And David was very concerned,

and I believe -- I really do believe David thought that Ken was -- and I don't know what the good word is but was somehow "out to get him." He had some sort of disrespect towards David or had some concerns that somehow David had about Ken. And it got to the point that it ended up in the Dean's Office with Cheryl Oliver, myself, and one of our other associate deans whose name is Dave Whidbee.

And during the course of that conversation, David basically expressed that Ken had disrespected him on numerous occasions. And you know, when a student brings that kind of a comment forward to the Dean's Office, we certainly take it seriously and are concerned about it because we certainly don't want one of our faculty members to, you know, be doing anything negative towards a student. And during the course of that conversation it became clear to us, at least as our interpretation of it, was that basically David was interpreting or perhaps over-interpreting a number of interactions with Professor Butterfield. Now, I'm not in charge of faculty members -- the other associate dean is -- but pretty much we've never had any issues or incidences with Ken on any dimension. He's a good teacher, a good researcher, he's

involved with a lot of service activities.

So it was really an outlier for us to have David come forth and express these concerns to us. And all of us pushed David on numerous occasions, like what specifically did Ken do that caused these issues. And, you know, I think, and we had a long talk about this with David, that it seemed like just simple things that could happen in the course David interpreted as being aimed towards him. Concerns that -- the course was on leadership, so when you talk about leadership styles or difficult employees, you know, it's probably not unlikely that there are probably things that get close to home and our interpretation of it was that David was interpreting some of these, you know, class principles as aimed and targeted directly towards him.

That relationship between David and Ken seemed to improve after that discussion. I think Ken kind of did things differently somehow. David, I think, saw things differently as well. So that was the first interaction that I had specifically with David kind of on any sort of official level in terms of the MBA program and himself.

I should also note that the MBA is a cohorted program so the students all start at the

same time. So when David began the program in August, pretty much the students that started with him went through at the same time so it's a very kind of tight knit (inaudible) it's a part of that process in terms of context.

The next interaction I had with David specifically on an issue was this past spring probably, or this spring maybe four or five weeks ago, I can't quite recall, where he basically had this similar concern with a student in one of the courses (inaudible). And basically had the same kind of concerns that he expressed towards Dr. Butterfield that, you know, this student is disrespecting him, making him uncomfortable in the classroom, pointing fingers at him, poking at him in a metaphoric sense. And again, we sat down with David and went through the same conversation. It was Ms. Oliver and David and myself. And basically had the same conversation and a lot of the same things came up. There weren't any specific incidences that David could relate to us that was like, you know, the student was turning around and, you know, flipping him off or cursing at him or giving an evil eye. It was just these kind of interpretations of interactions in the classroom.

One that I remember very distinctly that I thought to me is a good example of kind of the conversations we had, David was in a class with one of the other students as well as this individual and in the discussion the one student was going to go to the Bahamas or Bermuda for spring break, someplace nice. And the student that David was concerned about said, oh, I hate you. And David took that as an interpretation that he hated David, not the person. And the person who made this comment made it towards another lady who was going on vacation in the Bahamas. And it certainly wasn't a, you know, the way the story was relayed by David wasn't that, you know, I hate you but it was just kind of an euphemism for I can't believe you're going to the Bahamas on spring break and I'm stuck in Pullman.

So to me that kind of captured both of our interactions together where those kinds of instances were the things that he brought towards us. In this instance David had asked us to try to -- specifically to go and talk with this student to stop doing this. And we didn't have any concrete examples of the student doing anything in particular, so our suggestion to him was, you know, why don't you just sit down and talk with the

student. We'll be glad to be part of that process and see if you can just make it work. And that was probably, like I said, two or three weeks before spring break, so maybe a month or a month and a half ago.

Now, those are the interactions that I've had directly with David. On a vicarious basis through Cheryl I have heard numerous different incidences of students expressing significant concerns about David's behavior in class. Things that have ranged from bumping into chairs, outbursts during class, leaving during tests after being instructed not to. Just a variety of different instances. And because of the other activities that have been around, Cheryl has documented a lot of that and it's been our primary source for that information in terms of kind of what has transpired.

It got to the point that enough of these instances have bubbled up to the surface that just before spring break, after talking to the dean of students as well as the AG's Office and our representation there, that we felt it was to the point where, you know, these types of activities can't happen in the classroom and in the cohort any longer. It became difficult for students to learn.

It became difficult for our staff in many instances. And basically we put together a letter that basically stated, you know, and you probably have a copy of it there, that, you know, if there are any further instances after spring break that we will move to the student conduct hearing process.

And one of the instances that specifically happened there was kind of the interaction in class where David got up and bumped into a chair and kind of was aggressive. And those were -- it was one example but there were many examples like that. He also didn't -- he was leaving class during the exam and the professor came up and was very concerned about that.

We sent that letter down. It was given to David and then I think it was the Monday of spring break if I'm not -- or the Monday after spring break that there was another incident with another student. There was a touching issue and there was a comment on Facebook. And I believe that student actually tried to seek some sort of legal ramifications for David in that regard. I'm not sure where that ultimately came out. I heard about that. And by Thursday of that week there was another incident that was reported in a MIS course

on Thursday morning where what was relayed to me from the student was that, you know, David came in. He was acting certainly in kind of an inappropriate sort of strange manner in terms of his interactions with the students laughing at him. The student or the professor had asked a very specific question in a MIS course and in the course of his answer to the question issues came up about murder and a variety of other things that pretty much, you know, to put it in very succinct terms, freaked out a lot of students. There was a line in Cheryl's office that basically said, you know, this has gotten to the point where we're concerned for our safety. We don't want to go back to the course and into the classroom again if this is the way it's going to be and progress.

That was -- I found that out like 9:30 last Thursday in the morning. There was another course that was going to be offered at 10:30 following it, just immediately afterwards in an hour and at that point I made the decision in conjunction with a faculty member to cancel the course because, you know, a good percentage of the students weren't going to show up in the course to begin with. They just -- they said, you know, we're out. We're not

going to do this. And then after consultation with the police, with Chris, with the AG's office, basically, you know, it became clear that, you know, in particular the students concerned about their safety in the educational process that it just didn't seem appropriate to let this continue. And I thought that it fulfilled the violation of the student conduct order. I sent the e-mail with the letter down to Chris that day and asked for the process to start.

Q. Okay.

BY MR. POPESKI:

Q. Just a quick question. When you say cancel the course, was that canceled for that day or canceled for the semester?

A. I'm sorry, for the day.

MS. MCINTYRE: Just for the day.

MR. POPESKI: Okay. I just wanted clarification. Thank you.

SPEAKER: It was an accounting class. I'm sure there were a lot in there who wished we had canceled the whole semester.

THE WITNESS: No, it was just for the day.

BY MS. MCINTYRE:

Q. Did you speak -- I know Cheryl was sort of

your go-between between you and the students, but did any of the students complain directly to you?

A. Not directly to me but I did -- there was an e-mail that was sent to Cheryl. She forwarded it on to me so I had a pretty good sense of the situation. And that's pretty much how we run things down there.

Q. Right. Okay.

A. She's the direct contact with the students and I'm much more the administrative faculty side of things.

Q. And when you sent the letter, you know, we're not tolerating this anymore, did you hear anything back from David?

A. Yeah, he did e-mail me as soon as he received the letter. I can't remember exactly the nature of the communication. I think, I mean, there was, I thought there was a sense of, you know, this is something I'll work on and try not to do it again. And certainly, I do have to admit David has been very responsive in trying to address these issues and I think that's certainly noteworthy. In terms of the issues with Dr. Butterfield, you know, I mean, I really do believe David thought there was a significant issue there and that Ken was doing

something he found (inaudible) same way with the other student. And David has taken it upon himself to address that as best he can.

Q. Okay.

A. I think that's been very powerful and positive on his side.

Q. That's good to know.

A. The interactions with the students in the classrooms and their responses to it is the part that as, you know, the administrator of the unit and a faculty member that really makes me concerned because when you've got a line of students coming to your staff and your faculty saying I'm worried about this and having the chair professor out of Finance coming up and saying I'm worried about this, that's when it gets concerning and troubling to me. That's why I decided to take this course of action.

Q. Okay. David, do you have any questions you want me to ask of the dean?

MR. BROWN: Yes, I do. I will finish the sentence. May I have a moment to finish?

MS. MCINTYRE: Sure.

I have to ask you, David, are you writing a question or --

MR. BROWN: Yes. I'm writing questions.

MS. MCINTYRE: Okay.

MR. BROWN: Am I allowed to -- I'm sorry, am I allowed to ask -- is this my only time that I'll have?

MS. MCINTYRE: Um-hum.

MR. BROWN: Am I allowed to ask kind of any burning questions?

MS. MCINTYRE: Any?

MR. BROWN: Am I allowed to ask like any question?

MS. MCINTYRE: Well, that's why I'm having you write them down so I can -- I'll be able to tell you if they're appropriate or not.

MR. BROWN: Okay. Just one second.

MS. MCINTYRE: Why don't we see what you have so far because we don't have to wait till you're completely done before I can ask some questions.

MR. BROWN: Well, this is my last question.

MS. MCINTYRE: Okay. This is the last one?

MR. BROWN: (Inaudible.) Is that all right?

MS. MCINTYRE: Pardon me?

MR. BROWN: Is it all right if I finish my last one?

MS. MCINTYRE: All right. If you just have one left.

MR. BROWN: Okay.

May I add another question?

MS. MCINTYRE: Well, let me see what you have so far because I can't imagine what you're spending so much time writing and I'd like to see -- while you write your final question may I see your other questions?

MR. BROWN: Am I forced to turn over my questions at this point?

MS. MCINTYRE: Well, I'm going to have to ask them, right?

MR. BROWN: Yes, you are.

MS. MCINTYRE: Oh, so you want -- how many more do you have to ask?

MR. BROWN: Well, the problem is I'm kind of -- a lot of them lead into another and a lot of them are popping off. I mean, there's a lot of -- there's a lot of things involved in this case in my opinion and I believe they're all relevant to how -- to what is the best decision at this time. I believe that they need to be asked for a just

decision to be made.

MS. MCINTYRE: All right. I'll give you a couple more minutes.

MR. BROWN: All right. Thank you.

MS. MCINTYRE: Okay. That's enough.

MR. BROWN: May I finish this one sentence?

MS. MCINTYRE: All right. One sentence.

MR. BROWN: Okay. One sentence.

Done. David. Change that to David. Question mark.

BY MS. MCINTYRE:

Q. Okay. Since you wrote that final warning letter are you aware that Mr. Brown left -- you alleged that he left the Finance exam several times?

A. Yes.

Q. And he was asked not to leave?

A. Yes.

Q. Okay.

A. It was reported to me by the professor.

MR. BROWN: Is that the words that it says there?

MS. MCINTYRE: I used the words that I think are on point. Okay?

BY MS. MCINTYRE:

Q. Did he leave after he was told not to leave?

A. According to what I heard from the faculty member, yes.

Q. Okay. Who is Harry Turtle?

A. That's the faculty member.

Q. Okay. Did you speak to him about what happened in his class?

A. Yes, along with Dave Whidbee. We both talked to him about it.

Q. And so what you learned from Professor Turtle is reflected in your letter?

A. Yes.

Q. Okay. After he received the letter, did Mr. Brown respond that students were complaining in groups about anything they can only -- oh, they only wanted to get Mr. Brown in trouble?

A. No. I'm sorry, did David tell me that?

Q. Yes.

A. I don't recall exactly what he wrote but I don't believe that was in there.

Q. So I understand Mr. Brown brought to your attention that he had concerns about [redacted], right?

A. Correct.

Q. Something about a gun to his head?

A. (Inaudible.)

Q. Okay.

A. David had relayed to Chris about that.

Q. Okay. That [redacted] put a gun to David's head figuratively?

A. It was, the discussion, if I remember, and I don't know if it's appropriate but feel free to, if you want, because I forgot that part. It was something, he was sitting in class and he went and did something like this and the part --

Q. [redacted] did?

A. [redacted] did.

Q. Okay.

A. During the class that David (inaudible).

Q. To his own?

A. To his own head, like this. Not like pointing it at somebody else.

Q. Okay.

A. And our interpretation, if I recall back at the time, was it was more like kill me now, I hate this class more so than negative towards David. But David did interpret it as a disrespectful act towards him.

Q. Okay.

A. But as we sat there and talked quite a bit about that with David, and this was with Cheryl documenting, you know, our interpretation was that, you know, this is an awful class and I'm going to kill myself --

Q. Okay.

A. -- was how we thought it was an alternative interpretation.

MR. BROWN: Wait. There's --

MS. MCINTYRE: Just be calm. Okay? I'm -- some of these questions can't be asked of the dean. They'll be asked of the other witnesses. All right?

MR. BROWN: But there is -- there is an extremely vital factual --

MS. MCINTYRE: The factual thing --

MR. BROWN: There's a factual account that needs --

MS. MCINTYRE: What was the factual question?

MR. BROWN: I specifically said in that meeting to this -- to this dean and the other deans, that [redacted] meant it as a symbol that I was the one who had you wrongfully sent to student conduct. I had been sent to student conduct over a concern of

a student saying this. I said I never did that. There's a camera in the room. Please check the evidence. I never did that. And he responded like, you know --

MS. MCINTYRE: All right. [redacted] is going to testify. We can talk to him about that. All right?

MR. BROWN: Okay. But it -- I believe it is incredibly vital to note that I specifically -- I specifically mentioned that there was an issue involving false information being reported to student conduct --

MS. MCINTYRE: Okay. And that will be your testimony.

MR. BROWN: -- that is highly relevant.

MS. MCINTYRE: Okay? Because you'll have you time to tell this.

THE WITNESS: And just to clarify in just the order there, he did talk to us about that in advance of the letter I sent out on student conduct.

BY MS. MCINTYRE:

Q. Was in advance?

A. Right.

Q. Okay.

A. Just whatever (inaudible).

Q. Most of these questions will come out in Mr. Brown's own testimony. They're more testimonial than queries and so --

MR. BROWN: They're all questions.

MS. MCINTYRE: I know they're all phrased as questions.

MR. BROWN: They're all questions.

MS. MCINTYRE: It's up to my discretion whether or not I deem them appropriate or not. And most of them are you saying what happened and asking him if he agrees. And so we'll just hear it from you directly.

MR. BROWN: Okay.

MS. MCINTYRE: Okay? Well, I think that does it. Thank you very much for coming in.

THE WITNESS: That's all?

MS. MCINTYRE: Yes.

THE WITNESS: Certainly. Thank you for your time tonight.

MR. WUTHRICH: I'm going to ask for [redacted] to come in. So David, if you will follow me.

MS. MCINTYRE: Okay. So we'll ask David to -- take your tablet with you.

MR. BROWN: May I take my belongings?

MS. MCINTYRE: Oh, yeah.

MR. BROWN: Should I prepare questions for [redacted]

MS. MCINTYRE: Yes. But try to keep them short and to the point, you know, so that -- because when you're writing isn't it true that -- we've seen the letters, we've seen statements from the students. So if you have something that hasn't -- isn't brought out in the rest of the testimony, you know, evidence, that's what you need to focus on. Okay?

MR. BROWN: Okay.

MR. WUTHRICH: Okay.

MS. MCINTYRE: While we're moving let's take a little recess. Here, it's -- wait a minute. It's 6:10.

(Off the record.)

MS. MCINTYRE: It's 6:13 and we're back on the record. And [redacted]

[redacted]: Yeah.

MS. MCINTYRE: Is here to testify.

Whereupon,

[redacted]

was called as witness and, having been first duly sworn, was examined and testified as follows:

Q. All right. I understand you know Mr.

David Brown.

A. Yes.

Q. And he, if I'm not mistaken, is a member of your cohort in the Business School?

A. He is a first year student. I'm a second year student.

Q. Oh, you're a second year student. Okay. And so I assume you're here because you had some problematic interactions with Mr. Brown.

A. Yes.

Q. Could you tell us about those?

A. Sure. Is there any particular point --

Q. Just go where you need to go.

A. Well, my first interaction with David was after I had given a presentation to the incoming cohort, and that was back in August, about the MBA Association where I was vice president, encouraging that class to get involved. After that presentation David had contacted me and requested a meeting, which was pretty normal. Most people did and I was happy to answer any questions, so I agreed to meet with him. During that meeting, it lasted probably about 45 minutes from what I can remember, and he came with a few questions but it was very awkward for me. He sat there in silence a lot. I'm very

conversationalist and so I like to interact with people and I became very uncomfortable when it was kind of a one-sided conversation. After that there were several e-mail communications between us following up on questions and that sort of nature.

Q. So, so far, aside from a little bit of awkwardness, you know, it sounds fairly normal.

A. Yes.

Q. Okay.

A. Yes. Where it started to become bothersome to me is just the amount of interaction there was and sometimes the wording I thought was a little uncomfortable on my part. And there's a couple of visits to my workplace that were, I guess, not really accounted for and an e-mail that came through to a universal account, which I respond to because I was the owner of that account, saying we need to talk.

Q. Was it like a list serve or something?

A. Yeah. It's a CUB Marketing account that all of my department uses.

Q. Okay.

A. I was a graduate assistant of CUB Marketing. I was in charge of replying to those e-mails. It came back -- or he replied -- or he

questioned about assistantships and I informed him that we didn't have any at that time, to check back later. He had replied back to that message saying that we need to talk ASAP. Call me right now.

And at that point I was already feeling uncomfortable and I had reported it to the director. And so I really wasn't sure what that communication was about so I didn't feel comfortable calling David. And because it went to a universal account I had my employer do it for me. And she spoke with him on the phone, and what she told me afterwards is that he just really wanted to talk to me and he didn't really have any questions about CUB Marketing in general in that instance. And so she felt very uncomfortable she told me and it was a very awkward conversation. And she just told him not to contact me at work anymore.

Q. So tell us, in general then, what was it that made you uneasy? Did you feel at this point like he wasn't getting your message that you didn't want to talk to him? Or what was the --

A. Yeah. Social cues, I guess, like just weren't picking up on those. It was just very uncomfortable interactions, I guess, and the language that he was using.

Q. What do you mean by the language he was using?

A. It was just very demanding, I guess, and not, like, when I talked to him in person it was kind of a one-sided conversation. I guess his demeanor just kind of led me to feel very uneasy, not very comfortable in his presence and in the communication.

Q. When you say it was one-sided was it because he was doing all the talking or you were doing all the talking?

A. No, because I was. Yes.

Q. And where did the demanding language come in if he wasn't talking?

A. In the e-mails.

Q. In the e-mails. Okay.

A. Yes. We need to talk right now. And like there was a problem or that he needed to discuss something very important with me and that I need to respond to him right away.

Q. Was there ever a time when he did something offensive in your presence, maybe beyond awkwardness?

A. No. I'm not in class with him besides a Friday seminar class. What made me a little bit

more uneasy is because I have many friends in the first year class and some of the things that they had been telling me just about his outbursts and --

Q. But you've never seen one of the outbursts?

A. I never saw it. I've never seen one. No.

Q. Okay. Okay.

A. And I guess the contact continued till around the end of September, maybe early October. I'm not exactly sure of the end date but after awhile I just kind of started ignoring him and hoping that he would get the hint. I'm kind of a personal person. I didn't want to like cause trouble or, you know, be mean about it in any way, especially since I was part of this organization.

However, in March --

Q. So was there communication between the end of September and March?

A. There was a few communications. I mean, we share a classroom but nothing --

Q. Everything was --

A. -- nothing that I responded to. Everything was ignored I guess to that point.

Q. Okay.

A. In March, during a 702 session --

Q. 702 is?

A. Our seminar.

Q. Oh, seminar.

A. Sorry.

Q. I thought it was like a legal thing.

A. No. It was in early March -- I'm sorry, I don't know the date off the top of my head -- that we are provided food and coffee and so I entered the room and started grabbing my food. And David was right there and I felt a little uncomfortable just being in front of somebody and not saying hello and interacting with them, so just to be polite as I was standing right in front of him I said, hello, how are you? We exchanged a few words and then I kind of felt uncomfortable again and tried to end the conversation and went and sat down with a couple of my friends. We sat through class and then I met with a group of my -- this is was a planned competition group afterwards to discuss some matters and take care of some things. And I was probably there for another half an hour, 45 minutes while people were exiting. When I got back to my office I received a Facebook message from David stating where did you go so fast? You're like a ninja. I really want to talk to you again. Can we meet for coffee

this weekend?

And from my past interactions and just his overall demeanor I really didn't feel comfortable and I didn't respond to that. And I am in a long-term relationship. I have been for the past year and a half almost now so I wasn't interested in any sort of relationship with him and so I didn't want to mislead him in any way by responding and saying yes, can I help you with anything if there were questions about something other than that. So I kind of left it at that.

And then my next interaction with him was on Monday after spring break where he left a Facebook message saying or asking me if I drove a Honda Civic and that he saw me by the Engineering building. It kind of gave me an uneasy feeling, especially with my past experience with him. He just -- I didn't know if he was following me or if he was making known where I was. My boyfriend drives a Honda Civic and I was there at that time and so it made me feel very uneasy.

Q. Why do you think he asked you if you drove a Honda Civic? Do you think he was trying to send a message to you like I know where you are?

A. I think it, I mean, I honestly can't speak

for David but I don't know if it was necessarily a message but just maybe just relationship, trying to be interested, I don't know, like --

Q. Okay.

A. -- I don't know if he was just interested in knowing where my whereabouts were at a certain time. Just that sort of thing. But after that I just felt really uneasy and so I had my boyfriend -- which our relationship is public on Facebook and so David at this time knew that I was in a relationship and I wasn't interested in him in that way -- reply to the message just to make a presence and know that, you know, he's watching over me or whatever. He replied back no, that's my car. And I've also driven a Honda since I was 16 or something like that.

And so I just felt a little uneasy again from that correspondence. It wasn't until the next day that it kind of escalated but --

Q. What do you mean it escalated?

A. So feeling uncomfortable from the day before I waited to go to class. David has a class before me. We use the same room, Todd 109. And so I waited purposely before, just a couple of minutes before the bell rang just to reduce interaction time

if I could. So I went and got lunch in the Todd Atrium and waited. The students were filtering out and right before the bell rang I went into class and sat down and was getting ready. And as I was sitting down I saw David out of the corner of my eye still in the corner of the classroom. It made me very nervous. My heart started racing. You know, I just wasn't feeling comfortable. And then so I just tried to ignore it and kept doing what I was doing and getting ready for class. David was exiting the room and instead of going in front of the room where there isn't people in chairs, he went behind in the aisle and came up behind me and placed his hand on my left shoulder and did a rubbing motion. And then I looked this way because it was on my left shoulder and then he wasn't there, but I looked this way and he was right here. And he just walked away without any communication.

At that point my space was violated. I felt very uncomfortable and so I left immediately the classroom and I told my professor that I needed to go talk to Cheryl. And I grabbed Julie Webster, who is the president and she's kind of known about the whole situation from the very beginning. And I started discussing with her way back in August. So

I left and I went and reported it to Cheryl where I let her know what was happening, and then we left a message for the dean of students and kind of started the process.

I went back to class and finished out the day and then went to my employer's at the CUB. Since David had visited a couple of times to my workplace, I didn't necessarily feel comfortable there and didn't know what the interaction would be after that. And so I went and talked to them and told them the story and what was happening. Bill Gardner was also there, chief of police. He recommended that I make a police report, which I did. He brought me over to the police station and I gave my statement. And they recommended that I file for a temporary order of protection which I believe I did the following day.

Q. Okay.

A. When the court was in session.

Q. So do you think, forgetting David for a minute, if you treated somebody else the way you treated David, do you think they would have known that you didn't want them to have anything to do with them?

A. I think so. Yes. I think just usually if

you're getting advances, one advances in, if you ignore it usually people get the hint and stop. I was hoping that that would work in this situation, I guess.

Q. But you concluded eventually that it wasn't working?

A. Yeah. And actually, after the unwanted touching violation I actually sent him a Facebook message to where I specifically stated I didn't appreciate you touching me. Please don't contact me anymore. Your communication with me is making me uncomfortable. And so I specifically stated that because that was kind of the stopping point for me to where I (inaudible).

Q. And did he ever try to contact you again?

A. No.

Q. Okay.

A. So.

Q. Okay.

BY MR. POPESKI:

Q. One question. You said in the first meetings he didn't talk very much. Was there anything about the body language which concerned you as well? His body language?

A. I guess, I mean, I don't really know how

to describe it but just the overall demeanor of how he was in my presence and my interactions with him. It just -- it wasn't sitting here like me and you having a conversation. It was just, I don't know, very uncomfortable. And just sitting there staring and looking blankly, not answering, not engaging in any way.

Q. Was it staring? I think you used that term. Or was it just --

A. Long gazing. I don't know what the definition between staring --

Q. Okay.

A. But, I mean, looking in an awkward fashion. Just the way he was speaking made me feel very uncomfortable.

MS. MCINTYRE: Do you want to ask -- David, somebody is coming down there to see if you have any questions.

I like to make the dean run up and down the hall.

So does that mean you're going to be an MBA at the end of this year?

THE WITNESS: Yes. May 8th.

SPEAKER: What are we going to do at CUB Marketing? Are you going to be leaving us at CUB

Marketing?

THE WITNESS: No, I'll be here.

MS. MCINTYRE: So do you have to write a thesis or anything to get an MBA?

THE WITNESS: We have a business plan competition to talk about our project. And so when we present (inaudible).

MS. MCINTYRE: Do you have to win to get the degree?

THE WITNESS: No. No, but if we win we get a large sum of money. So --

MS. MCINTYRE: Really? How much?

THE WITNESS: I think last year the winning team got $14,000. So.

MR. WUTHRICH: He needs a couple more minutes.

MS. MCINTYRE: Okay.

MR. WUTHRICH: I told him I would --

MS. MCINTYRE: Be back?

MR. WUTHRICH: -- go get them.

MS. MCINTYRE: Okay. What did you just do? Oh, turned off --

SPEAKER: Press the mute.

MR. WUTHRICH: Turn the mute button off.

MS. MCINTYRE: So does that mean we can't

hear him and he can't see?

MR. WUTHRICH: That's distracting.

MS. MCINTYRE: Oh, we're distracting him.

MR. WUTHRICH: I don't know.

MS. MCINTYRE: Yeah, okay.

MR. WUTHRICH: I believe so. I'm not qualified to determine that but it appears as such.

MS. MCINTYRE: Is your mom coming over this weekend?

THE WITNESS: Yeah.

SPEAKER: Nice.

MR. POPESKI: The weather is going to cooperate.

THE WITNESS: Hopefully.

MR. POPESKI: They're saying Saturday is the best day of the bunch.

MS. MCINTYRE: Well, it couldn't be much worse than today.

THE WITNESS: Yeah.

MS. MCINTYRE: It was freezing cold this morning and I barely made it from the parking structure to Wilson Hall.

MR. WUTHRICH: It's supposed to go down to 25 tonight.

MS. MCINTYRE: Oh.

MR. WUTHRICH: It's supposed to be a cold front coming through.

MS. MCINTYRE: I don't mind the cold; I just mind the wind.

MR. WUTHRICH: Oh, that was nasty today. I think we had power outages in Moscow and there were some trees down in Pullman.

MS. MCINTYRE: I kept -- I was sitting in my office in Wilson Hall and I'd hear all this screaming every time it started snowing.

SPEAKER: He just can't hear us.

MS. MCINTYRE: Huh? I don't know. Never presume anything.

MR. WUTHRICH: Always presume the mic is on. (Inaudible.)

MS. MCINTYRE: I didn't leave my computer on this morning when I left home.

SPEAKER: (Inaudible.)

SPEAKER: That's a bummer.

SPEAKER: Yeah, I know. I guess a tree went right through a house.

MS. MCINTYRE: All the trees that could have fallen on our house fell down years ago and missed us. So.

SPEAKER: Your completely renovated house

now?

MS. MCINTYRE: No, we just have an exotic new bathroom.

SPEAKER: (Inaudible.)

MS. MCINTYRE: No, it was very expensive. Soaker tub, five-foot square shower.

I guess I don't need to say that on the record.

SPEAKER: (Inaudible.)

MS. MCINTYRE: Yeah, it's 6:30. We're going to just turn the tape recorder off.

(Off the record.)

MS. MCINTYRE: It's 6:34 and we're back on the record.

MR. WUTHRICH: And these are David's questions.

MS. MCINTYRE: Okay.

MR. WUTHRICH: He wanted me to communicate to you that they're written in the format that he hopes are direct enough and do not reflect any testimony he may give later.

BY MS. MCINTYRE:

Q. Okay. So he wants to confirm that when you went to extend your restraining order against him it was denied. Yes or no?

A. The temporary one or the permanent one?

Q. Well, what's the status of the temporary one?

A. It's been terminated.

Q. Terminated?

A. Yes.

Q. And the permanent one?

A. There was no permanent one.

Q. There was none. Okay. Okay. And you did a petition of harassment?

A. Yes. (Inaudible.)

Q. Okay. Everything was denied. Did you ever ask him not to contact you prior to the shoulder touching event?

A. No.

Q. Prior to then did you ever mention to him that you felt uncomfortable when he was around?

A. No.

Q. Okay. When you asked him to cease contacting you did he honor your request?

A. Yes.

Q. Okay. Has David ever met your boyfriend?

A. No.

Q. Have you ever -- did you ever mention or speak of your boyfriend of David prior to your

message?

A. No.

Q. But you did say it was on your Facebook?

A. It is public on my Facebook.

Q. Okay.

A. And it has been for over a year now.

Q. Okay. Is your relationship status visible on Facebook? Is there any other way that David would have known that you had a boyfriend?

A. I guess he's with me almost all the time. We're -- he's in the MAC (phonetic) program and I'm in the MBA program and I talk about him frequently in public, I guess.

Q. Yeah. Did you ever agree to have coffee with David?

A. Yes.

Q. Okay. Did you ever say no to having coffee with him?

A. No.

Q. Okay. Did you ever tell David that you had negative feelings towards him?

A. No.

Q. No? Okay. I think that's good unless we have any more questions. Okay?

MR. WUTHRICH: Great.

MS. MCINTYRE: Thank you very much, [redacted]

THE WITNESS: Thank you.

MS. MCINTYRE: We appreciate your coming in.

Okay. It's 6:36 and we're going off the record for a break.

(Off the record.)

MS. MCINTYRE: It's 6:37 and we're back on the record. And [redacted]. But, yeah, close enough.

MS. MCINTYRE: [redacted] Okay. Before I ask you any questions I need to swear you in.

[redacted] Okay.

Whereupon,

[redacted]

was called as witness and, having been first duly sworn, was examined and testified as follows:

BY MS. MCINTYRE:

Q. Tell us about you interactions with Mr. Brown essentially --

Oh, I'm sorry. I didn't know we were doing this. Hang on. We're good. Whoops. Okay. We're good.

So tell us about your interactions with

Mr. Brown and what -- first of all, you're in the business school?

A. Yeah, I'm in the MBA program.

Q. And what year are you?

A. I'm a first year.

Q. Okay. So you're in the same cohort?

A. Correct.

Q. Okay. All right.

A. Interactions are -- there's been several times where David has in our MBA orientation at the beginning of the year and then throughout the school year gotten up and been very aggressive in moving around, switching seats in the middle of class.

Q. Okay. Describe that to me. So the lecture is going on or something and --

A. Yeah, in the middle of a lecture and all of a sudden pick up, throw the items in a bag and move to another area of the room. And in doing so not, just kind of barge through. And, you know, disturbing the class, the teacher.

Q. Did it disturb you?

A. Yes.

Q. Okay.

A. Yeah. So, I mean, that's very distracting. And the big thing is, I mean, it kind

of culminated last week in class with his comments in MIS that really seemed, I mean, threatening. I --

Q. What did he say? Share with us what he said.

A. I mean, it was -- it was essentially, you know, sometime -- this is a management information class. It's, you know, not psychology; it's not kind of feelings; it's, you know, what are key performance indicators, things of that nature. And, you know, sometimes you need to just realize that you're stupid and you can't do something because you're stupid. And if you kill someone because you're stupid it's not how you did it, it's that you killed someone. And that's -- that's not normal.

Q. Well, we're not here about normal. We're here about, you know, distraction, disruption.

A. Yeah.

Q. What was this in response to? What was going on in the class when he made this statement?

A. The teacher was just talking about key performance indicators, business intelligence. I mean, just normal, you know, what's going on with the Patriots. What are (inaudible).

Q. Okay. And was this -- did David raise his

hand before he said this or did he just stand up and say it?

A. I believe he was called on.

Q. Okay.

A. I didn't catch that part.

Q. Okay.

A. But, I mean, yeah, to -- the thing with me is I feel uncomfortable when David is in the room because if he was behind me I feel uncomfortable because I don't know what he's doing. And so I have to sit myself where I can see him. And when he leaves the room I become preoccupied with where is he, what is he doing, when is he coming back. And when he opens that door I'm looking at his hands. I'm wondering is he coming in with anything.

Q. What has he done that makes you suspect that he might do something negative towards you?

A. It's the kind of random sayings. It's the fact that I've been in my office before and girls have come in who are in our cohort.

Q. Women?

A. Yeah, correct. I'm 27 so they're kind of girls to me.

Q. Well, they're not 12.

A. Okay. I apologize. But women who are in

the cohort have come in and gone, you know, my boss can testify to this. They've come in and go, hey, can we just hang out in here because we were walking through the CUB and David was following us and we don't really feel comfortable with him going to where we're studying. And touching people's hair. And people coming up and just saying that they're uncomfortable. And I'm uncomfortable. I'm not a person who gets afraid of people. I'm not. Like, I'm a bouncer at a bar. I've been doing that for years. I'm a big guy, 250 pounds. I'm a little overweight but I don't get afraid of people. I don't. I can walk --

Q. What is it that makes you afraid of David?

A. I don't know what's going on with him because --

Q. So you think he's unpredictable?

A. Absolutely. I mean, I can -- I used to work -- I was working in Boston. I'd get out of work late at two in the morning. I'd have no problem walking down the street late at night, downtown Boston. I would be careful. I would be conscious. You know, I'd look around and if I saw someone coming at me, you know, I would size him up and go, you know, eh, maybe I should take a left

here or I'll be fine. But with him I don't know. I don't know what he's doing and that scares me.

Q. Okay. Have you got questions? Oh, go ahead.

BY MR. POPESKI:

Q. You said that certain sayings that he said?

A. Yes.

Q. Well, of course the one that we've heard about was the situation just recently.

A. Sure.

Q. Was there any other instance where he said stuff which made you concerned? Other than the one which we read about already.

A. Nothing -- nothing so far threatening as that scene. But off the wall, not related --

MS. MCINTYRE: Non sequiturs.

THE WITNESS: -- which may mean it kind of put it into that I don't know what he's thinking. You know, where is he going? And so being very uncertain and, you know, the fact that I don't feel comfortable to go to class. On Thursday, I called my professor in the next class and said I will not be coming to class. I don't feel comfortable.

BY MR. POPESKI:

Q. Would it be safe to say that up until then it was just stuff that you didn't -- you just didn't feel comfortable with but there was definitely a cross the line on the last one?

A. Yes.

Q. Yes.

BY MR. FAULKNER:

Q. Could you estimate how many times he's made comments like this that you thought were -- that gave you a sense of his unpredictability that, like, you know, maybe didn't, maybe weren't direct responses to the questions that were asked? I mean, because there was this most recent one and then do you know how many other ones that were like that? Or was it just this one time?

A. I mean, threatening, that was the only time to be honest. But the kind of not related, why are you bringing that up, countless.

MR. BROWN: May I have a few more moments to write the questions?

MS. MCINTYRE: Yeah.

BY MS. MCINTYRE:

Q. What bar do you be bouncer?

A. I'm down in my office but I used to work at the Cougar (phonetic) back during my undergrad.

So I've been around the bar scene. But, you know, it's good money.

MR. POPESKI: Can I ask one more question while we're waiting?

MS. MCINTYRE: Um-hum.

BY MR. POPESKI:

Q. Was there any time during the semester when this was going on that you actually talked to David about your concerns. A. I didn't. I didn't. I probably should have. I probably should have. Yeah, I probably should have. I know -- I know that I reported it and I know that other students reported it to the powers that be and maybe that was kind of, you know, not the biggest backbone way of doing it but it did seem that it was being documented.

MS. MCINTYRE: (Inaudible.)

MR. BROWN: (Inaudible.)

MS. MCINTYRE: Okay?

MR. BROWN: I'm done. You also say that these questions are along the lines of [redacted] in that I left out things that I could bring out myself.

MS. MCINTYRE: Okay.

MR. BROWN: The only thing stated on that

paper are things that would be relevant to what he and only he could say to get my case across and my points that I would like to make. And there's nothing unethical about the questions.

MS. MCINTYRE: I don't think -- the question is not are they ethical or unethical but are they appropriate for this setting. Okay. So --

MR. BROWN: And they're -- if there is a question that strikes you as odd I would be glad to answer why because there are some other --

MS. MCINTYRE: Well, there are certain things that the board needs to know. Okay.

MR. BROWN: But as far as -- as far as the Socratic method and argumentation goes, there are questions that may seem random if you don't understand my statement and if you don't understand the facts. So a harmless yes or no or a harmless description of events may, if it is a completely -- if it seems random it may not be once I (inaudible).

MS. MCINTYRE: I understand what you're saying. I just --

BY MS. MCINTYRE:

Q. Let me ask you this, [redacted] When David allegedly made this statement about killing -- if you kill somebody it's dumb, did that -- could that

-- could that have possibly had something to do with what was being discussed in the class at the time?

A. I couldn't see. I mean, I couldn't see how. And I'm a person who I use pretty large analogies. I'm a big fan of metaphor. I'm a big fan of analogy. But that didn't seem to have anything --

Q. Do you recall what you were discussing?

A. It had to do --

Q. What was being discussed in class?

A. Yeah, it had to do with what's the Patriots in the business of.

Q. Okay. So it was about a sports thing.

A. Yeah.

Q. Okay. So if he was making a point about -- that was relevant to the discussion, it was beyond your understanding?

A. Absolutely.

MS. MCINTYRE: Okay. I'm not going to ask the witness if he's ever done anything illegal.

MR. BROWN: No. Has David -- it says --

MS. MCINTYRE: Have you?

MR. BROWN: Has David ever done --

MS. MCINTYRE: Okay, have you, well, he hasn't said --

BY MS. MCINTYRE:

Q. Can you name anything illegal that David has done?

A. Under my understanding of harassment, David has created a hostile environment in the classroom.

Q. Okay. Under your understanding.

A. Under my understanding.

Q. That would be the only thing that you could --

A. But arrested for anything? I have no idea.

Q. Okay.

A. For all I know he's --

Q. All right.

MR. BROWN: I mean --

MS. MCINTYRE: No.

MR. BROWN: May I ask those questions? I mean, I feel -- I feel that there's --

MS. MCINTYRE: No, you can't. They're not -- they're taking us too far afield. Okay. He's made a statement that he couldn't understand why your statement in class was relevant.

MR. BROWN: But there's --

MS. MCINTYRE: You can explain. Okay?

MR. BROWN: Okay. Okay, I will.

MS. MCINTYRE: Thank you very much.

[redacted] Thank you.

MS. MCINTYRE: It's three minutes to seven, which makes it 6:57. And we're going to take a five minute break.

(Off the record.)

MS. MCINTYRE: It's 7:03 and we are back on the record. Mr. Brown, do you wish to make a statement or answer the board's questions?

MR. BROWN: Yes, I do.

MS. MCINTYRE: Okay, first I need to swear you in.

Whereupon,

DAVID BROWN

was called as witness and, having been first duly sworn, was examined and testified as follows:

BY MS. MCINTYRE:

Q. So tell me. What do you think is going on here? Why are you here?

A. I -- what I think is going on -- is this where you'd like me to read my statement or should I --

Q. If you could just answer my question that would --

A. I think it's an issue of unpopularity first and foremost. I have a few friends in the MBA, not a lot. Business is often a place where a lot of popular students tend to gravitate. There's a lot of socializing that goes on between and I've not been a part of it as much as I wish I should have. And I think at one point in time students became aware of the student conduct code in which you may report through documents that things occur with a student and the university is required to act on that. And that is 100 percent reasonable because, you know, I can't think of a better method, per se. If people don't -- even if 100 times someone had said -- like there was an issue a few weeks ago. It came up in the Daily Evergreen regarding females who were alleging a man had assaulted them; it came out it was totally false. But it doesn't matter if the same girl says it a thousand times and it's proven false, if it's not taken seriously that 1001st time that would be unjust. I think -- I do not in any way blame a student conduct system or the individuals involved in a student conduct system for what has happened but I do believe that students reported a variety of things that they claimed I had done and I was not

necessarily disciplined but I was sent to discuss the issues once with Chris and once with Raul Sanchez. And in both instances there was things mentioned that I specifically said were not true and I encouraged them to think about that or act on that.

Q. You mean Chris and Raul?

A. Yeah. Well, with Chris. We'll go into specific details.

Q. Okay.

A. He had mentioned a student reported --

MR. WUTHRICH: Can I make a point? David's free to speak to whatever he would like to speak to. From a process perspective I'd like to make David aware of the fact that we're discussing these specific charges and not anything that's extraneous to that. However, he can speak on whatever he would like to speak on. I just want to make him aware of the three charges we're talking about tonight.

BY MS. MCINTYRE:

Q. Let me get back to my first question then. So you say that this is really a result -- I mean, people aren't telling the truth for one thing but it's a result of your unpopularity.

A. Yes.

Q. And so you think that a bunch of students got together because you're unpopular and targeted you by saying things, you know, this is what David did and I'm afraid, you know, when there's really nothing going on that would make them afraid?

A. Yes. But I would like to say it's not necessarily a bunch through the student conduct file I've seen. I think it's more just a few.

Q. Okay.

A. It doesn't necessarily --

Q. So it would be --

A. -- it doesn't take a lot of people to turn in --

Q. [redacted] and at least a few others who she names were mentioned?

A. Yes. I don't -- I don't believe I am any different than the other students. I think they realized at some point that, I mean, there's specific mention of exploitation of the system in this so I imagine that would not be the first case that you've seen in which the validity of the accusations was called into question.

And I would like to mention that you had questioned David Sprott on the accuracy of his

statement regarding me leaving the Finance class. I had contacted the professor to see if he would come to this hearing. He said he cannot because there is a Nobel Laureate in town and he will be busy until 8 o'clock tonight but he wanted me to specifically mention that he would like you to contact him regarding how that incident occurred.

Q. Which professor is that?

A. Dr. Harry Turtle.

Q. Oh, okay.

A. Basically, in the letter there is a factual error which I had notified Chris of. And I did not notify Dean Sprott because it started to piece together to me that there may be something going on and that I needed to contact my parents and a lawyer before continuing going to him. But it specifically said I received a complaint that you repeatedly left a Finance exam after being asked by the professor to remain in the room for the remainder of the exam. That is not true. I was -- I had left twice to use the bathroom. It's an hour and a half long test. The third time I was leaving he approached me in the doorway and said where are you going? You know, I think he was genuinely concerned was I disturbing the class. And I said

this time I'm just going to get orange juice. And there's a vending machine right outside the room, the MBA classroom.

Q. And this was during an exam?

A. Yes.

Q. And so is it normal for students in the Business School to leave the exam multiple times? If that happened in my classes I would be suspicious that the students were cheating.

A. That's a possibility and I would understand why they would have a concern with students not leaving, but the concern to me arose when I realized the letter came to me after I had met with Dr. Harry Turtle. I had met with him about a group issues, a group project and he said, you know, while we're here I thought we might talk about this. And he specifically said that he had talked with the deans and recounted the events as I have -- as I have said. And I will say in my statement. And that he talked with the deans before the letter was issued. And what you have on recording is a recording of David Sprott saying he did not -- and Harry Turtle will talk to you if you call him on that matter. And that is a clear -- that is -- he did not pronounce no when he meant to pronounce yes.

That is what the English language defines as a lie. And this is the College of Business Dean who tends to be involved with me the most. And I mean, you know, regardless of anything, I believe that would call every single bit of this case into question.

Q. Now, my understanding from the file is that essentially what you just said. That you were leaving -- you had left and come back multiple times and finally the professor said stop it. Isn't that what happened?

A. No. Well, no. Partially I would say that's partially true, partially not. He approached me on the third time and said, you know, what's going on? And when I said I'm just going to get orange juice he said, okay, well, that's all right. And he did say that. He said it was all right that I leave the third time but he said but in the future I'd appreciate it if you stay in the room for the remainder of the exam because I think it may disturb other students. I got the orange juice and I went back. And as I was leaving the times I was completely quiet and I opened the door and closed it in the most quiet manner possible. I mean, I could see how you could -- I honestly would be concerned as well that students are leaving in gradual of a

classroom. That is an incredibly professional environment, you know, kids' futures are defined by how they perform in a graduate level.

Q. But yet you did it three times.

A. Yes, I did. I did do it three times. And that I am guilty of. But one thing I would say is that when he asked me, when he brought it to my attention I complied and was completely cordial.

Q. Well, I understand that but why would you -- why would you not know it was inappropriate to do that?

A. You know, I didn't -- I didn't think about it in that sense. I, you know, the MBA here is different than say, you know, like certain universities where they expect you to have worked --

Q. Right.

A. -- for Merrill Lynch before coming back. I mean, most of us are fresh out of undergrad. I mean, it's a pretty relaxed environment. Most kids are pretty friendly with each other and, you know, it's really -- I don't want to say it's unprofessional. It is very professional but it's designed -- in my opinion they know what -- they know who does the MBA here. It's the same as the MBA kind of at Western. People usually don't --

most of us are in our twenties. The majority of us are in our twenties.

Q. Yeah.

A. And it's a relaxed environment. I didn't -- I didn't think about it in terms of, you know, I had to use the bathroom and I got up quietly and I quietly opened the door and left the room and returned immediately. I had to use the bathroom again and I quietly --

Q. Okay. What about -- is it -- was it in the same class where there were complaints that you were changing your seat during the class period?

A. No one had brought that to my attention. It wasn't until I was reading the student conduct file that students had concern over me changing seats. And from what is presented there is two occurrences which someone had claimed that I had changed seats.

Q. Well, you say they claimed. Did you not change seats once you got into the classroom?

A. I had changed seats during the classroom hours.

Q. Why did you change seats?

A. The first time was in a MIS class, the same class. I sit -- basically, all the kids that I

would consider kind of popular with friends sit all in the back row. And it's auditorium style so it goes up. They're all above you and it just -- I just felt kind of uncomfortable. And I just -- I didn't make a hub of it and make an unreasonable amount of disruptive noise. I picked up my things and I moved to a seat on the left side of the room where I felt a little more comfortable.

Q. Why were you uncomfortable? Because they were behind you?

A. Yes. But also, I mean, I felt like they were staring at me and it felt, you know, you can kind of -- there's a reason a lot of students sit in the back row. And a lot of the, you know, thought from a lot of teachers sometimes has to do with there's a specific type of students but as most academics know that's not true. A lot of people sit in the back row because it's the one row where you can feel relaxed and a lot of times there's no one staring at you. Sometimes people who just like to not have that feeling of people behind them like to sit in the back row rather than in a middle seat. And I was in a middle seat and I could just feel that people were looking at me and so I moved. And I don't feel it was uncalled for to move under those

circumstances.

Q. Do you think that your -- your sense that people might have been staring with you is one that was shared by other people in the front row?

A. I'm not sure. There's a row in front of me so I'm in the middle row. I had been questioned. Someone asked the next class, like, why did you move? And I said the same thing I said here. I felt that people were staring at me and I wanted to move. I sit next to one person named [redacted] I don't think he specifically noticed anything. I imagine he was paying attention to the class and minding his own business and just hanging out. But I mean, it was something I felt and I feel that the reaction of quietly moving is not necessarily uncalled for. Even if there wasn't a reason I would imagine quietly moving in a graduate level class isn't technically unethical.

Q. Did you only feel that way one day? Is that where you'd sat before?

A. I sit there most of the time in the MIS class.

Q. But one day it just felt wrong?

A. Yeah. A lot of days it feels wrong. I mean, I get a sense that kids don't like me a lot

but at that specific time it wasn't about liking. It was just about kind of, you know, I didn't want to sit there because I felt like kids were staring at me. I mean, I didn't think it through and it wasn't a huge thing. I just thought I want to sit somewhere else right now. I don't feel like it disrupted anything. It was --

Q. And so why would anyone say that you were being disruptive? Is it again about the popularity thing?

A. As I said, I think kids notice the use of the student conduct system. If your goal was to harass a student, I mean, this is the perfect thing. You can write anything and they have no consequences for what they say if it is proven false. They are going to walk away. And if you were to -- if you did dislike a person who is in your class you could very easily write letters about them which may be malicious or misrepresenting the factual occurrence and they would get in trouble.

And I had notified, I mean, regardless of whether or not that's true, I still -- I still think what I did is not technically unethical or grounds for suspension or expulsion. I feel like I'm a good kid and I try as hard as I can to do the right

things. You know, I go to counseling. You know, I take -- I take medication for my depression.

Q. Most people at Holman (phonetic) do.

A. Yeah. It's surprising. After I started taking it I met a lot of other kids who said I take something similar to that.

Q. Well, the dean suggested that maybe you were over-interpreting things. Do you think you've ever done that?

A. No. I mean, I imagine, you know, sometimes when kids are -- a lot of kids are more I would say secure than me. I would say I do have issues with insecurity. And when it feels like people dislike me, most people are like I don't care if this guy doesn't like me or if that girl doesn't like me, you know, most people don't mind. I think about it. I mean, every conversation I have with my counselor is something I think about whether or not people like me at the time. So, I mean, I try and I want to -- I just want to be, you know, a part of this program. I think that the fact that David Sprott said no when there can be a factual example of it being really yes is a very strong indicator. And whether or not you believe what I'm alleging he said no to a question that is actually yes and he

looked you in the eye on recording and said that.

Q. And you don't think it could have just been an error of memory on his part? Is he in on this thing to get rid of you?

A. Yes, he is.

Q. And what does it benefit him?

A. I don't believe he likes me. It's a very close and personal program and I would think if he had the choice to have me or not he would chose to not. I believe this is a method of him -- if not -- I believe he did try to get rid of me but luckily through my own tact and willingness to fight back against it I think I've been able to shed a lot of the charges and I hope to persevere through this as well.

Q. Okay. I want to ask you another thing about [redacted] Do you think she overreacted to your, you know, demands to talk to her and sort of made it into something it wasn't?

A. I would say no.

Q. She didn't overreact?

A. No. I think --

Q. So, I mean, you're suggesting that she's right to be afraid of you?

A. I'm not -- well, that's an interesting

topic. I don't think it's right to be afraid of me but I do not think it's uncalled for that she felt uncomfortable. And I don't think it's uncalled for that she expressed that to people who may have the ability to stop that. I do not think that's uncalled for.

Q. Do you think she should have been upset at what you did?

A. The shoulder touching thing was something, I mean, we had a hearing in court over it and nothing was found. All that was suggested was that I don't contact her in the future and that I take this as a symbol that she does not want me to contact her.

Q. Right. And did that come as a surprise to you that she didn't want you to be in touch with her?

A. It came -- it was surprising to me that she went to the extent that she did but I just -- I think that, you know, in her mind -- in her mind I believe she thought she was doing the right thing. In her mind, even if I did not, which I did not, I did not mean the things to be intended that she may have perceived. But the way she felt and perceived her side of things I do not think is uncalled for,

unethical. The fact that police questioned me -- I did touch her shoulder -- I do not think it's uncalled for that she felt the way she did and went to the extent that she did. I think the whole hearing about harassment and restraining order, I mean, I thought that that was, you know, I'm not sure because I have the ability to defend myself there so, I mean, all she really did was get me into a process where facts could come out. And luckily those facts did and I was not charged.

Q. So she's not sort of in league with the dean or with [redacted] to get rid of you?

A. I think that there's questionable things that may have gone on involving that but from what I was given in this file it was probably her own, you know, her own thoughts acting on her own. As far as anything else that was probably left -- if there was anything else it was not brought to my attention through the official file.

Q. So you think that the way -- do you think that the way you were acting would have scared any woman?

A. I think it depends on the woman. The shoulder touching is the issue really.

Q. Well, I'm also talking about, you know,

when she refuses -- not refuses, you know, doesn't want to talk to you on the phone or something. I mean, she was being very polite. She didn't want to say go away but her strategy was, as you heard, that if, you know, if she just didn't respond that you would figure it out that she didn't want to be with you.

A. Well, I think we can all agree that we don't -- we don't know fully sure what she was thinking at those times. We know fully sure that she said it was her strategy on recording.

Q. And you think it was different?

A. That's what we know. Well, from all the exchanges -- we, everything is documented. I mean, every e-mail, everything is here. And as far as I'm concerned, I mean, I didn't feel at any point I was like does this girl feel uncomfortable? I never --

Q. You never sensed that?

A. No. There was never a -- there was never an insulation. I mean, the things that I, you know, I asked her to coffee twice. Once -- one of the times she said yes and then afterwards she sent like a cordial, friendly message like thanking me and just saying if you have any further questions please let me know. It's all here. And if you would like

to look --

Q. No, we all got copies of this.

A. Okay. So, I mean, everything seemed normal to me. The fact that I touched her shoulder, I mean, I've never been involved in anything like this. You know, I'm never going to ever touch a girl again unless I'm married to her or unless she begins to touch me first. Other than that I shall not --

Q. Do you think you're pretty good at reading what people are thinking in general?

A. Yeah. I think I over-think it sometimes. Sometimes, you know, I talk with my friend. I'm like, you know, I think they were thinking that or maybe they say are you sure you're not overreacting or over-thinking? I mean, for me I'm an inquisitive person. You know, a lot of people wouldn't question how the Student Conduct Board would go about, you know, investigating. I questioned it from day one. You know, I had noticed things that were -- claims that were not true and I questioned why it kept continuing when I had mentioned that. And you know, I question -- I question the motives. I mean, I majored in journalism. I want to go to law school. You know, I care. I think one of the most exciting

things on earth is when people stand up to people who are unethical. In my opinion that's what Edward R. Murrow did, you know, in the McCarthyism era and with other issues that were less famous than that. You know, I was on the Dean's List while I was there, too. I fell below a 3.5 though. I left with a 3.4. A 3.38, technically. So I didn't get the Journalism degree in Honors but I was on the Dean's List the majority of the time I was in the Journalism School, at the Edward R. Murrow School of Communications. And I started with, I mean, once I found that I rose from -- a 1.96 was my first GPA my first semester and when I went to journalism it skyrocketed and I got straight As. I got the highest grade -- the highest grade in COM 295 and one of the top three grades in COM 101.

Q. Okay.

A. Of all the hundred kids who take it. All the hundreds of kids who take it.

Q. Okay.

A. I mean, I will spend my life standing up for what I think is right. I think -- I think as far as my thoughts on David Sprott, we probably shouldn't concern ourselves with that here. We should talk about the charges and whether or not I

actually committed them. But I cannot stress enough that there is a clear lie that he said to you on recording. And once you talk to Harry Turtle he will tell you the truth and that he was questioned before the letter came out. So he had a reliable source of information before he offered me a final warning letter and, I mean, I'm sorry. Yeah, I'm sorry. But I will make my statement.

Q. Okay. Why don't you make -- tell us your statement.

A. Okay.

Q. And if we could keep a copy of that that would be useful, too.

A. Okay. I would first like to show here's a copy of what happened in the Pullman or Whitman County Court in which all charges brought to me.

Q. Yeah. I saw the yellow copy.

A. Okay. All charges brought to me by [redacted] were not granted.

Q. Now, you understand that the rules of evidence are different in this kind of a hearing than they are in the criminal court?

A. Okay.

Q. Okay.

A. Okay. Greetings all and welcome to this

Conduct Hearing. I hope that justice and truth shine for all to see. I present myself here today to offer my recount of events which I have been alleged to have committed.

Before I begin I would first like to offer my apologies to all people involved. To David Sprott I say I'm sorry if I have created a disturbance in your program. I look up to you for all that you have accomplished and your willingness to participate in this process for me and for others. Your final "warning letter" is something that I hope I have not violated. I will present in my case within the context of this document other evidence and within the proceedings of this hearing. Hopefully we can arise -- arrive at a fair and just outcome that leaves us and all others involved with a sense of satisfaction and relief.

To [redacted] I would like to offer my apology if I have created a disturbance within this MBA program for you. You are a very success-driven individual and you have worked extremely hard to get to where you are. Regarding my words in MIS on Thursday, April 1, 2010, I in no way was intending a message towards you, any student, or any faculty regarding intimidation, violence, potential

violence, or any form of threat. The statement I made was not in this manner and I have in this document other evidence as well as other witness testimony -- which I did not follow through -- to show that my words were in direct relation to business-related academic thoughts on ethical decision-making. The words I said were intended to be an undisruptive and thought provoking message. I hoped that my words would -- I had hoped that my words would be a positive addition to our discussion on issues that relate to competing on analytics in the business field. If you perceived an intimidating message from these words, I'm sorry that you feel that way and I in no way intended for you to feel as such. I hope that we resolve any negative feelings and continue to learn in a fair and safe academic environment. Although my words in no way were meant to be as intended as you may have felt, in the future I will do everything possible to guide my words and behavior in a way that will be always -- that will always be perceived in a very positive and nonhazardous manner.

I would like to apologize to [redacted] [redacted] I thought we had a friendly and cordial relationship with one another. I touched the top of

her shoulder only to say hello and initiate an undisruptive friendly conversation. I am sorry if this action made her feel uncomfortable. I am also sorry if our previous conversations or communications had made her feel uncomfortable. Every form of communication I had made towards [redacted] was meant as a very sociable, cordial, and undisruptive form of communication. Within the context of this document, as well as the presentation of related evidence, I will show that this was the case. Once again, I am sorry if my words and behavior has made her feel uncomfortable. I hope that any negative feelings can be resolved so that each of us can continue to learn and grow in a fair and safe academic environment.

I have been charged with violations of the following regulations of the WC Standards of Conduct for Students 2009-2010:

WC 504-26-204, abuse of self or others. Physical abuse, threats, intimidation and/or conduct which threatens or endangers the health or safety of any person including oneself.

WC 504-26-203, disruption or obstruction. Students have the right to freedom of speech, including the right to dissent or protest but this

expression may not interfere with the rights of others or disrupt the university's activities. Prohibited behavior includes disruption or obstruction of teaching, research, administration, disciplinary proceedings, other university activities, including its public functions on or off campus or of other authorized non-university activities when the conduct occurs on university premises or is directed towards community members by any means including use of telephone, computer, or some other medium.

WC 504-26-207, failure to comply with university officials or law enforcement officers. Failure to comply with lawful directions of university officials and/or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

I will now offer logical reputation -- yeah, logical reputation of these charges in order to prove that my actions and words were not in violation of the WC Standards of Conduct for Students 2009-2010. Although the first charge listed is in reference to my words in MIS on April 1, 2010, I will discuss the issue involving [redacted]

[redacted] first. This is due to the chronological nature of the two incidents.

Before I begin, please allow me to note that the final warning letter issued to me by David Sprott contains a factual error. Specifically the letter reads, "The Dean's office and the WC College of Business has received a complaint that you repeatedly interrupted a recent Finance exam by leaving the classroom -- by leaving the class on numerous occasions after you were asked by the instructor to remain in the room for the remainder of the exam. The class disturbance interfered with students taking the exam and may have impacted their performance in the class." This description of events is erroneous. The exam lasted an hour and a half. I left the room without being asked to stop two times to use the bathroom. I was attempting to leave a third time when I was stopped by Professor Harry Turtle near the doorway. He asked where I was going and I replied, "This time I'm just going to get orange juice." He said that it was all right that I leave but advised that I stay in the room for the entire exam while taking future exams. I brought an orange juice drink back from a vending machine that is approximately 20 feet away from the

MBA classroom, excuse me, and then immediately returned. I was also very quiet and undisruptive as I exited and entered the room on each occasion. Dr. Turtle was also -- also was questioned by Dr. David Sprott before this letter was issued. Dr. Turtle has informed me that he recounted the events as I have listed here. He cannot be present at this hearing due to schedule conflicts but he has informed me that he will gladly speak to any member of this Hearings Committee regarding this event once he becomes available at 8 p.m. Pacific Time. He is also available in the future if you or any other university official would like to communicate with him regarding this event.

I will now address he MIS 580 -- I think I put them in the wrong order. Yeah, I think I put the [redacted] thing second. Would you like me to just read?

Q. It's all right. No, just keep going.

A. I will now address the MIS 580 event on April 1, 2010. The scheduled class discussion was about a book we were required to read for the class. This book is titled Competing on Analytics: the New Science of Winning. It was authored by Thomas H. Davenport and Jean G. Harris. It was printed by

Harvard Business School Press.

Before my comment was made, Professor Katie Joshi said what are some of the barriers, enemies, challenges -- what are some of the barriers, enemies, challenges to competing on analytics that the book talked about or anything else that you can think of before opening the discussion to students. Thus, she opened the discussion to a very wide world of academic thought before I spoke. Three students made diverse comments before I spoke. [redacted] (phonetic) made a comment about having a strong knowledge base. Dr. Josie added that a lack of knowledge is also relevant. [redacted] (phonetic) mentioned CEO approval and understanding. Dr. Joshi that sponsorship of key people is indeed important. [redacted] (phonetic) had mentioned that potential costs of a business choice -- mentioned the potential costs of a business choice. Dr. Joshi added that the cost and cost of failure are also relevant.

At this point I said that business making bad or dumb choices and making mistakes in business can be the worst thing for analytics. I'll read that again because I started --

Q. No, I heard what you --

A. Okay. This is due to the choices that must be made on analytics. I had clearly explained that being dumb is a barrier to competing on analytics and that mistakes are relevant to competing on analytics. I mentioned that it is like a person killing someone only because they thought they could get away with it and that it is still highly unethical and that they should not have done that regardless of how they thought of the situation. I made clear reference to business terms and ideas, while also clearly pointing out that this action is highly unethical and must never occur. I completely fought for the moral and ethical side of this example. I also did not reference, mention point, or insinuate any student or faculty member during this comment. I looked to my left side one time but only because I heard a group of students laughing at me. Then I looked away -- I then looked away.

I will now present an audio recording of this lecture. Would you like to hear?

Q. No.

A. Okay. I should mention that ethical decision-making in business is highly relevant. Ethical aspects to business has been mentioned in

assignments of this class and in lectures. Also, this was the case in other classes. I thought it was a very relevant academic thought with a deep level of meaning. Analytics will only offer statistics, such as noticing a high blood alcohol level in people who gamble freely. The choice of casinos to offer free alcohol is an ethical choice that is highly disputed. This is an example of ethics in business and how companies compete on analytics. The book also mentioned the ethical issues involved with online companies using analytics to learn a great deal about their customers. This comes from -- this comes in the form of cookies and internet viewing histories/profiles of users. This is mentioned that it may cross ethical lines of privacy and security. The choice of how businesses use analytics and to what extent is highly important. Ethical decision-making is crucial to this topic. I was merely attempting to offer a good academic thought. I spoke of one "killing someone". No specific person was referenced or thought of or suggested. I did not look at other students as I spoke in an unusual way. I only turned to my side to look as I heard a group of students laughing. I then looked away and

continued to speak. I used the example as a metaphor while communicating a much broader idea that directly related to the class discussion and our current topic. I used specific business terms while speaking, such as knowledge, intelligence, firm, data mines, and customers. Ethical decision-making is a relevant topic in every MBA course of our program, including this class. There was nothing out of the ordinary about me saying this.

Where business and ethics intertwine is an extremely relevant frame of though, which was what I was thinking of. The book which we were scheduled to discuss for that day made specific references to ethics in multiple selections of the book. A common conversational statement referencing "a perfect crime" or "getting away with murder" as a colloquial expression used to convey a meaning unrelated to anything gruesome or unsettling is extremely common in society. It was not odd that I used my example. The teacher specifically said "what are some of the barriers, enemies, challenges to competing on analytics that the book talked about or anything else you can think of" before opening the discussion to students -- thus she opened the discussion to a very wide world of academic thought before I spoke.

The most recent assignment other than this textbook made clear reference to ethics. The most recent assignments from our other class for this same day made clear reference to ethics. The topic of one of the assigned readings had ethics in the title for the class later that day. We also have a current assignment in our Finance class regarding ethics. It is about whether the overall goal of business is shareholder wealth maximization or corporate social responsibility. The ethical lines in business are highly relevant and taught and discussed in every class of our program. This topic is a common component of every MBA program in the United States of America. The teacher only attempted to interrupt me a few times but I believe that I had the right to speak. My statement did not last an unreasonable amount of time. I have the right to the freedom of speech in this country and I have a right to the freedom of academic thought and expression at this university. This was a graduate level class where all people present are over the age of 21. The metaphorical example I used was completely suitable for this audience. The main theme of the class is business intelligence. Nearly every assignment, project, and discussion we go

through involves this topic. Wikipedia defines the term business intelligence as "the skills, processes, technologies, applications, and practices used to support decision-making." Bringing ethics into this matter is extremely relevant. Although I'm concerned that students may feel uncomfortable about this topic, I do not feel this warrants disciplinary action. I will make sure to take every action necessary in the future to avoid having students feel uncomfortable.

In response to the issue involving [redacted] I would like to say the following. First and foremost, I would like to say that [redacted] filed a petition to have anti-harassment order in place -- an anti-harassment order in place. The Whitman County District Court found that this was unreasonable and did not find my actions to be considered harassment. He denied -- the judge, he denied [redacted] petition. I had thought we had a somewhat cordial and friendly relationship with each other. I only touched the top of her shoulder for a brief moment to get her attention. I touched the top of her shoulder on her left side and then was on her right side as to be good humored while saying hello. We exchanged various communications over the

course of the year. I had no idea that another would be unwanted. She never at any point asked me not to contact her or touch her or talk about her or converse with her. Once she told me not to contact her after the shoulder touching incident I honored that request. She had initiated conversation with me before. I assumed she felt okay about communicating with me. We had met before in-person. She had agreed to this event and followed up with an e-mail which seemed very cordial and decent. I assumed we were on good terms.

I do not, nor have I contacted her an unusual amount of times or about unusual matters. I had seen her driving by the Engineering building because I park my car in the parking lot adjacent to this building every day. I was in my car and five feet away from this lot at an intersection when she drove by. We had made eye contact while she drove by so I did not think it would be odd to mention I had seen her. I drove in the opposite direction of her after this as is my usual route. Later that day I made a friendly comment about how she drove a Honda Civic and that I had been a Honda enthusiast since I was 16. A 1995 Honda Civic was my first vehicle. My current vehicle is a Honda Accord. Her

Honda looked to be customized, thus it seemed like a "Honda-enthusiast" type of Honda. I had made other Facebook comments to other people that same day. The fact that I had seen a fellow MBA student that I know driving the type of car that I like to drive was not the only thing on my mind.

I do not know where she lives. I do not know her phone number. Her work number is present at the bottom of each e-mail she sends out to MBAs. I called her work number once from my work number on a work-related issue concerning an interview for an upcoming newsletter. We decided not to follow through with any interview due to schedule conflicts. I then selected another student for the story. The only things about her that I do know are standard, normal things for an individual to know about an acquaintance, such as degree program, what car she drives, and the building where she works. Being a part of a small master's program at a university with classes day-to-day in the same room, the same advisors, the same deans, the same administrators, similar on campus jobs, a shared study center, and a shared three- to four-hour weekly lecture class can provide that type of information about nearly all people in the program

whether or not one was seeking to find that information. Those type of facts are simple things anyone will notice about any acquaintance regardless. They are incidental observations.

I stated her I will not offer evidence by showing all documentation of contacts with [redacted] I will clearly explain every aspect of this and explain the meeting. I meant I will now offer evidence by showing all documentation of contacts with [redacted]. I will clearly explain every aspect of this and explain the meaning. I will show you that every aspect of this was unethical. I definitely didn't mean that.

Q. All right. Cross that part out.

A. I had the Conduct hearing, I mean, not the Conduct hearing, I had the court hearing with [redacted] at 3 o'clock today. And this was a relatively short notice and I wanted to kind of get it -- was ethical was probably what I mean. And I will now --

Q. Now, we've seen a lot of your communications with [redacted] They're in this file, right?

A. Yes.

MR. WUTHRICH: I think the most recent information is in there, yes.

MS. MCINTYRE: Yes.

MR. WUTHRICH: About this Honda incident.

BY MS. MCINTYRE:

Q. I think we have a pretty good picture that [redacted] never told you that you were making her uncomfortable until this one touching incident. Is that correct?

A. Yes.

Q. So your -- from your point of view there is no way you could have known about this.

A. About her --

Q. About her feelings towards you if indeed that's what her feelings were. Right?

A. Yes, ma'am. I'm signing and dating the edits made.

Q. Okay. All right. Can we have a copy of that?

A. Yes, you may.

Q. Okay. Thank you. Was this -- your attorney helped you?

A. No. I wrote it.

Q. No? You wrote this yourself?

A. I consulted with him on some of the ideas but I wrote it myself.

Q. Okay. All right. I think we got the

whole picture. What I'd like to do is take a five minute break because what we have left is closing statements. So maybe what you should focus on -- I'm not sure what sanction Mr. Wuthrich is going to recommend. Are we permitted to know?

MR. WUTHRICH: Right now?

MS. MCINTYRE: Yes.

MR. WUTHRICH: I'm not certain this merits anything more than a suspension.

BY MS. MCINTYRE:

Q. Okay. So what you need to focus on is besides what's in these folders, what about you should we know before we make our decision? So we've got a really good, I think, handle on what events transpired but we don't really know much about you and whether or not a suspension would be useful. Okay?

A. Okay.

Q. All right. So let's take five minutes and -- okay, what time is it? It's 12 minutes to 8. We're going off the record.

(Off the record.)

MS. MCINTYRE: Okay. It's 2 minutes to 8 and I'll turn to Mr. Wuthrich.

MR. WUTHRICH: Okay. In reference to the

charges that we've convened this hearing for this evening I need to point out the March 10, 2010 letter from David Sprott which specifically references a number of behaviors that they deem unacceptable and isolated. The letter was sent to David Brown and he acknowledges having received it. We consider the behavior that occurred post the March 10th letter to be in violation of this warning, hence the charge for failing to comply with the directive of a university officer.

Further, the behavior in the classroom where David was alleged to have said something referencing -- that references killing did in fact cause a disruption. Students did feel so uncomfortable that they had to approach the professor of the next course and that course was thereby canceled. That specific utterance in that course, in the MIS course, and the subsequent canceling of the class is the reason for the interim suspension that we are acting on this evening.

So in the university's estimation, David did violate our conduct code and did warrant the interim suspension. Upon hearing David's response to the accusations it is further the university's opinion that he should be found responsible. And if

found responsible that this behavior merits a suspension from the university for a period of time that the board deems appropriate. Thank you.

BY MS. MCINTYRE:

Q. Okay. So David, we've heard all your evidence. Tell us what else we should know that we haven't talked about yet that you think would help us make a good decision?

A. Well, I was never offered examples of those type of behaviors. If you were to consider anyone of the meetings that I had with Dr. Wuthrich, the one about the gun, the handgun I mean, I had claimed it was not true. I had notified the deans that there may be students who are exploiting the conduct system just to get me in trouble rather than actual concerns. I had notified them that it was not true. I -- no one presented actual evidence, and if the letter issued only issues one example which contains a factual error, I believe it could be unethical -- would be -- it is unethical to act upon that letter. I feel like it's an oversimplified method of discipline. I feel that I am a good kid. I want nothing but to continue my program here at WSU. And if I was allowed to continue without a suspension I would treat this as

the clear, biggest warning to not make a peep in that program outside of, you know, raising my hand to say something incredibly relevant and completely perfect to a professor's question, answer to a question.

You know, regarding touching of one's shoulder, I do not want to touch a girl's shoulder ever unless she touches me first or I'm married to her. I feel that the letter -- I was never made aware that was a final warning letter, that I was -- that was a final warning letter that I was issued directly with no other documented warning before. He never notified me of up until then what people were saying, what people felt. I had no knowledge outside of meeting with Chris and Raul. And I just -- I can't stress enough that I simply feel it would be an unjust form of action to ask me to leave the university based on what has happened over the course of this semester and the past semester.

I beg for a second chance. No professors had come forward, even though these were technically all events that I believe occurred in classes. It was only kids. As I had warned -- I mean, I had said specifically I think that the validity should be examined. The validity was not examined and I

believe it would be unjust to act upon those accusations from kids with no actual evidence or professors coming forward about those things or, you know, without notifying me. It says you're supposed to notify students about how they make you feel if you feel uncomfortable. [redacted] notified me; I stopped. I -- I got the letter from David Sprott. I mean, I've been skeptical and untrustworthy. I mean, it was another issue of something not true. And this -- this is the only documented one -- the only documented one in which the only example is false and we can prove that. I feel that acting on this is simply unjust and I would like to appeal in a court of law if you ask me to leave. I do not want to leave. WSU means the world to me. My dad went here. My brother went here. I went here for undergrad. I want to earn my MBA from here, and I will do anything to remain in the program and to not violate any rule ever in the future. I -- I just want to exist.

Q. Okay. Well, here's what happens next. We'll adjourn this portion of the hearing and Dean Wuthrich will leave and you will leave and the Conduct Board will be here to try to come to a decision tonight on the charges. As chair of the

Conduct Board it's my responsibility to send you a letter -- I want to make sure that we have your right address -- telling you the outcome of the hearing. If you're not, okay, 345 Northwest Parr Street?

A. Yes, ma'am.

Q. Okay. If you're not satisfied with the outcome of the hearing it will also explain the appeals process in the letter. Okay? So by rule I'm supposed to have that letter to you within 10 business days. I'll try to get it done over the weekend so it goes out to you on Monday. Okay?

A. Okay.

Q. Thank you very much for your participating in this hearing. I do appreciate it.

So it's now 8:05-1/2 and this Conduct Board is adjourned.

(Whereupon, at 8:05, the Conduct Board was adjourned.)

CERTIFICATE

I, Valerie Morrison, do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral had in the foregoing matter; and that the foregoing transcript pages constitte a full, true and correct record of such testimony adduced and oral proceeding had and of whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 1st day of August, 2010.

/Signed
Valerie Morrison

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